

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AARON CHARLES FOOTE,

Defendant.

CR 21-1-BU-DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendation Concerning Plea on July 15, 2021. (Doc. 60.) As neither party objected, they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommends that the Court accept Defendant Aaron Charles Foote’s guilty plea. Foote appeared before Judge DeSoto pursuant to Federal Rule of Criminal Procedure 11 and entered a plea of guilty to one count of wire fraud, in

violation of 18 U.S.C. § 1343, and one count of identity theft, in violation of 18 U.S.C. § 1028a(A)(1). (*See* Doc. 60; *sealed* Doc. 1.)

Finding no clear error, IT IS ORDERED that the Court ADOPTS the Findings and Recommendation (Doc. 60) IN FULL.

IT IS FURTHER ORDERED that Aaron Charles Foote's motion to change plea (Doc. 48) is GRANTED, and Aaron Charles Foot is adjudged guilty as to one count of wire fraud and one count of identity theft.

DATED this 30th day of July, 2021.



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Dana L. Christensen, District Judge  
United States District Court